

REMARKS

Claim Objections

In the Office Action, claims 1, 12, 16 and 19-20 were objected to for the phrase “the light bar” being “extraneous.” It was suggested that the language be changed to “the support” so that the phrase does not conflict with the claim preamble.

It is not seen how the language of the objected-to claims would conflict with the preamble. It is also not seen how the claim limitation could be extraneous.

Page 15 of the specification provides support for the brackets 108 being secured to the case enclosure 16 on the support 14, or the brackets being attached to the support 14 (specification page 15, lines 7-12). Because the brackets can be selectively connected to either of the light assemblies of the light bar or the support of the light bar, the language of the claims is accurate and supported by the specification. The language is not extraneous. It is therefore requested that the objection to the claims be withdrawn.

With regard to the objection to claims 18 and 19, the claims have been amended herein in the manner suggested. It is therefore requested that the objections to the claims be withdrawn.

The Rejection of Claims 1-3, 6-9, 11, 13, and 15 as being obvious in view of the U.S. Patent of Eby and the U.S. Patent of Stanesic No. 5,522,634.

Of the claims rejected as being obvious in view of the Eby and Stanesic references, claims 1 and 9 are independent claims. These claims recite structural features of the invention that are not disclosed or suggested in the Eby and Stanesic references, and are actually taught away from by these references. Without there being

any disclosure or suggestion of the claimed subject matter in the two references, the claims are not obvious and are allowable over the prior art.

The Eby and Stanesic references all fail to suggest a mounting bracket having means for connecting the mounting bracket to the vehicle to hold the plurality of light assemblies in positions adjacent the window top edge and not above the top surface of the vehicle.

Claim 1 includes a recitation of the mounting bracket having means for connecting the mounting bracket to the light bar and to the vehicle to hold the support and the light assemblies on the support in positions extending across either the front or rear facing windows adjacent the top edge of the windows and not above the top surface of the vehicle. This feature of claim 1 is clearly not disclosed or suggested by the lamp mount of the Eby reference. The Eby lamp mount is specifically designed to extend across the top surface of the vehicle. The hook bight portion 37 of the anchor member 36 is specifically designed to connect the channel bar 30 extending across and above the top surface of the vehicle as shown in Figure 2. There is no suggestion in the Eby reference of the mounting bracket recited in claim 1 that holds a support and light assemblies on the support adjacent the top edge of a vehicle window and not above the top surface of the vehicle.

The mounting bracket of the invention recited in claim 1 is also not disclosed or suggested in the Stanesic reference. The Stanesic reference makes no disclosure of such a mounting bracket. Instead, the Stanesic reference discloses a visor 10 attached to the top of the vehicle cab 11 by apertures 19 in the visor outer ends 16, 18 and the

visor midpoint brace 14. The visor has an insert 30 that is shown in Fig. 1 and Fig. 2 above the top surface of the vehicle cab 11.

Thus, the Stanesic reference specifically teaches attaching the visor 10 to the roof of the vehicle cab 11. This attachment positioning is shown in Fig. 1 and Fig. 2 of the reference where the visor 10, and in particular the trailing edge of the visor, is positioned on top of the vehicle cab 11. This is in direct contrast to the subject matter of claim 1 which specifically states that the mounting brackets position the support and the plurality of light assemblies adjacent the window top edge and not above the top surface of the vehicle.

In view of the disclosures of the references discussed above, it would appear that the contention that the references teach or suggest the subject matter of the invention recited in the rejected claims is based on hindsight of the present invention. There is nothing in any of the references that suggests a support and a plurality of light assemblies positioned adjacent the top edge of a vehicle window, but not above the top surface of the vehicle. Reading this suggestion into the teachings of the references can only result from hindsight of the present invention.

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher.

W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983).

The ordinary skilled artisan, having no knowledge of the invention claimed, reading the disclosures of the two references would not be lead to the invention

claimed. The rejection of the claims in view of the references relies on hindsight of the invention, and therefore the rejection of claims 1-3 and 6-8 should be withdrawn and the claims allowed.

The rejection of claim 9 is based on the impermissive use of hindsight. There is no motivation for combining the Eby and Stanesic references.

With regard to the rejection of claim 9 in view of the Eby and Stanesic references, it is submitted that the claim is allowable for the same reasons discussed above with regard to claim 1. There is no motivation for combining these references to arrive at the subject matter of claim 9, and therefore the rejection of the claim is based on hindsight of the present invention.

Claim 9 specifically requires at least one mounting bracket having means for connecting the mounting bracket to the vehicle to hold the support extending “across” either of the vehicle windows.

The Eby reference discloses a mounting bracket assembly for supporting an emergency light on the roof of an automobile. The references specifically sets forth that the main object of the invention is to provide a mounting bracket device adapted to be detachably connected to the roof of an automobile (Eby column 1, lines 6-8). The reference further sets forth that a further object of the invention is to provide a mounting bracket assembly for supporting emergency lamps on the roof of an automobile (Eby column 1, lines 14-17). Thus, the Eby reference is specifically directed for supporting lamps on an automobile roof. There is no suggestion of a support that holds lamps extending across the vehicle windows as required by claim 9. This suggestion can only be found in the applicant's disclosure.

The Stanesic reference, as explained earlier, discloses a visor 1 that is attached to a vehicle roof “just above the windshield” (Stanestic column 1, lines 28-31) and on the front part of the vehicle cab above the windshield (Stanestic, claim 1, lines 1-4; claim 9, lines 1-4; claim 14, lines 1-2; and claim 19, lines 1, 2, and 5) . The visor trailing edge resides above the vehicle cab roof as shown in Fig. 1 and Fig. 2. Thus, the Stanestic reference also fails to disclose or suggest a light support that is held extending across the vehicle window as recited in claim 9.

The ordinary skilled artisan reviewing any of the references relied on in rejecting claim 9 would not see a suggestion of a mounting bracket holding a support to a vehicle in a curved configuration of the support extending across the vehicle window as recited in claim 9. This interpretation of the prior art can only be arrived at through the impermissible use of hindsight of the invention. It is therefore submitted that the rejection of claim 9 should be withdrawn and the claim allowed.

Because neither of the applied references remotely suggest the subject matter of the invention recited in claim 9, and actually teach away from that subject matter, it is submitted that the combination of references relied on in rejecting claim 9 is made in hindsight of the present invention, and therefore is improper. Claim 9 is therefore allowable over the prior art. Claims 11, 13, and 15 all depend from claim 9, and therefore are allowable over the prior art of record.

Rejection of Claims 4, 5, and 10 as being obvious in view of Eby and Stanestic, and further in view of the U.S. Patent of Ohlenforst et al. No. 4,488,141.

Claims 4, 5, and 10 were rejected as being obvious in view of the combined disclosures of the Eby, Stanestic, and Ohlenforst references. Claims 4 and 5 depend

from claim 1, and claim 10 depends from claim 9. It is submitted that the disclosure of the Ohlenforst reference does not overcome the shortcomings of the Eby and Stanesic references discussed above, i.e. suggesting the subject matter of the invention recited in independent claims 1 and 9. In view of the this shortcoming of all three references, it is submitted that claims 4, 5, and 10 are allowable over the prior art.

Rejection of Claims 12, 14, and 16-20 as being obvious in view of the U.S. Patent of Eby, the U.S. Patent of Stanesic, and the U.S. Patent of Stevens No. 5,481,441.

Of the rejected claims, claims 12 and 14 depend from independent claim 9. It is submitted that the disclosure of the Stevens reference, which specifically discloses light bars adapted to be disposed on the top of vehicles (column 1, lines 6-8), does not overcome the shortcomings of the Eby and Stanesic references discussed above, i.e., suggesting the subject matter of the invention recited in independent claims 1 and 9. The Stevens reference actually teaches away from the subject matter of independent claims 1 and 9. In view of this shortcoming of all three references relied on in rejecting claims 12 and 14, it is submitted that claims 12 and 14 are allowable over the prior art.

Furthermore, it is pointed out that the language of independent claim 16 requires "each light assembly of the plurality of light assemblies being mounted in a case of the plurality of cases for adjusting movement of the light assembly relative to the case." The rejection of claim 16 contends that Stevens reference discloses an adjustable bar having a plurality of cases, and that the plurality of cases are movable relative to each other. This is not the subject matter of claim 16. Claim 16 requires each light assembly mounted in a case for adjusting movement of the light assembly relative to the case. Because the Stevens reference fails to disclose or suggest the subject matter of claim

16 discussed above, the combination of the three references relied on in rejecting claim 16 do not disclose or suggest the subject matter of the invention recited in the claims. Again, it appears the motivation for the rejection is hindsight of the present invention.

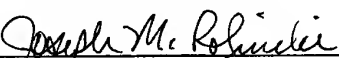
Because none of the three applied references remotely suggest the subject matter of the invention recited in claim 16, and actually teach away from that subject matter, it is submitted that the combination of references relied on in rejecting claim 16 is made in hindsight of the present invention, and therefore is improper. Claim 16 is therefore allowable over the prior art.

Claims 17-20 all depend from claim 16, and therefore are also allowable over the prior art.

It is respectfully submitted that in view of the amendments and remarks presented herein, the application is in condition for allowance and favorable action is requested.

Respectfully submitted,

Thompson Coburn LLP

By: 
Joseph M. Rolnicki
Reg. No. 32,653
One US Bank Plaza
St. Louis, MO 63101-1693
(314) 552-6286